

REMARKS

Applicants submit this paper in response to the Non-Final Office Action dated December 24, 2009.

By way of this paper, claims 1-17 and 21 remain as previously submitted, with claims 18-20 remaining withdrawn.

In light of the following remarks, Applicants believe that this application is in condition for allowance and respectfully request that the Patent Office to acknowledge the same.

OBJECTIONS TO THE SPECIFICATION

The Abstract described here was objected to because the language “degree of contamination found the analyzing in step and conducting” is confusing.

A corrected substitute Abstract has filed.

Reconsideration and withdrawal of these specification objections is respectfully requested.

REJECTIONS UNDER 35 USC § 102 AND 103

Claim 1-17 and 21 stand rejected under 35 USC § 102(b) as being assertedly anticipated by Fine et al. (U.S. 5,688,693). Claims 1-17 and 21 stand rejected under 35 USC § 103 as being assertedly obvious over Krieg et al. (U.S. 6,509,537) in view of Fine et al.

Independent claim 1 recites a method for reprocessing used plastic containers, having the steps of analyzing the degree of contamination of the plastic, determining the contamination process parameters as a function of the degree of contamination found in the analyzing step, and conducting controlled decontamination of the plastic according to the decontamination process parameters thus determined.

Turning to the cited references and rejections, Fine et al. (U.S. 5,688,693) is directed at a method and a system for determining the presence of contaminants in recyclable plastic materials. In particular, Fine discloses an inspection system, wherein plastic bottles

and shredded material may be tested for contamination at any location in an inline process. Contaminated materials are sorted out from the uncontaminated material.

Fine, however, does not disclose determining contamination process parameters as a function of the degree of contamination found in an analyzing step and conducting controlled decontamination of the plastic according to the decontamination process parameters thus determined.

According to the teaching of Fine contaminated flakes are simply rejected and separated from cleaner flakes (see Fine, at column 5, lines 64-65 or column 6, lines 18-20). Contamination process parameters, such as parameters of the washer 206 are not determined based on a determined degree of contamination.

Thus, the subject matter of the presently pending claim 1 is not disclosed or suggested with regard to the teaching of Fine et al.

Further, according to Fine, gross contaminants are removed before washing. The Fine decontamination process, however, is always performed in the same way, regardless of the degree of soiling of the starting material.

On the other hand, according to the present application, contamination process parameters are parameters such as temperature, decontamination time or cleaning agent used (see the present application at paragraph [0052] and [0053]). These process parameters are determined based on the determined degree of contamination. In this way, the decontamination step is automatically adapted to the actual contamination of the plastic.

One aspect of the present invention is, thus, to provide a method and a device which will allow the required decontamination process step to be carried out under improved conditions.

So it will be seen that Fine detects harmful contamination but does not modify the decontamination process based on these detections, as is done with the present application. Instead, contaminated materials is simply removed and only substantially clean and pure flakes are further decontaminated and utilized in the fabrication of new plastic containers.

Also, from Krieg et al. (U.S. 6,509,537), the skilled person does not get any hint prompting him to modify the teaching of Fine et al. such as to arrive at the presently claimed subject matter in an obvious way. In particular, the Examiner argues that Krieg is silent as to a decontamination treatment. In fact, Krieg discloses that following classification of the test sample, the test samples are sorted into different separate portions which can be transported in this form to another production process or, if contaminated, to a disposal system (see Krieg, at column 2, lines 48-54).

In other words, Krieg also suggests removing contaminated material. Therefore, even when combining the teaching of Fine et al. and the teaching of Krieg et al., the present application's features of determining decontamination process parameters as a function of the degree of contamination found in an analyzing step and conducting controlled decontamination of the plastic according to the decontamination process parameters thus determined, still would be missing.

Accordingly, both Fine and Krieg, or any combination thereof, fail to disclose or suggest each and every limitation recited in independent claim 1. In light of the foregoing, Applicants therefore request the Examination to withdraw the outstanding anticipation and obviousness rejections.

Finally, we are informed that, in the parallel European Patent Application No. 04 765 880.2, it is about to be granted with a main claim that is essentially identical to the present independent claim 1.

CONCLUSION

Applicant believes that each of the outstanding rejections, objections, and/or other concerns have either been accommodated, traversed, or rendered moot. Therefore, the application is considered in condition for allowance. Should there be any outstanding issues that the Office believes may be remedied via telephone conference, please contact the undersigned at (312) 474-6300.

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